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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,409	12/12/2003	Shinji Takahashi	0505-1260P	9120
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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER LEE, Y MY QUACH	
			ART UNIT 2875	PAPER NUMBER
DATE MAILED: 06/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

SA

Office Action Summary

Application No.

10/733,409

Applicant(s)

TAKAHASHI, SHINJI

Examiner

Y Quach Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-12 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: Page 8, paragraph 00042, line 6, the reference numeral "47" is incorrect and should be changed to --47d-- in view of drawing figure 6. Appropriate correction is required.

Claim Objections

3. Claims 1 to 20 are objected to because of the following informalities: In claim 1, line 5, the term "each of" should be inserted before "the rear fenders" in view of the previous term "a tail lamp" on the same line. In claim 2, line 3, the term "fenders" is inaccurate in view of "an over fender" and it should be changed to --fender--. Claims 3 to 10 depend on objected claim 1 and as such are also objected. In claim 11, line 5, the term "each of" should be inserted before "the first and second sides" in view of the previous term "a lamp". Claims 12 to 20 depend on objected claim 11 and as such are also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 6 to 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bahr.

Bahr shows a vehicle having left and right rear wheels suspended from a body frame via a suspension and the rear wheels covered with respective rear fenders (12) comprising a flexible mud guard (10) attached to each of the rear fenders and accommodating a collision with an object during operation of the vehicle without adversely affecting a lamp (14), readable as a tail lamp since it is mounted to the rear of the vehicle, to suppress vibration of the lamp disposed adjacent to each of the rear fenders and supported by the mud guard, the mud guard molded to

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include an aperture (figure 3) for accommodating the lamp, and the rear fender including a main body molded to provide a support for attaching the mud guard to the main body (figure 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 9 to 12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drawing figure 9 (prior art cited by applicant's present invention) in view of Bahr.

Drawing figure 9 discloses a vehicle including a rear fender main body (112) having a first side (left side of the fender) and a second side (right side of the fender) to provide a support for a mud guard (113) attached to the main body, and an over fender (114) molded for attaching to the main body and the mud guard. However, Drawing figure 9 does not disclose a lamp mounted within a mud guard.

Bahr teaches a vehicle having a flexible mud guard (10) attached to each of the first and second sides (the left and right sides of the fender, figures 1 and 2) of a fender (12) with a lamp (14) (also readable as a tail lamp since it is mounted to the rear of the vehicle) mounted within the mud guard and disposed adjacent to the fender.

It would have been obvious to one skilled in the art to provide Drawing figure 9 with a lamp mounted within the mud guard and adjacent to the fender, as shown by Bahr, for enhancing the visual effects of the vehicle while providing a warning signal to the vehicles approaching from the rear should the usual tail lamp of Drawing figure 9 fail to function.

8. Claims 11 and 16 to 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebara in view of Bahr.

Ebara discloses a vehicle including a fender main body (15, figures 11 and 12) having a first side (left side of the fender) and a second side (right side of the fender) to provide a support for mounting objects. However, Ebara does not disclose a mud guard attached to the first and second sides of the fender main body, and a lamp mounted within a mud guard.

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Bahr teaches a vehicle including a rear fender (12) having a main body, a flexible mud guard (10) attached to each of the first and second sides (the left and right sides of the fender, figure 1) of the fender with a lamp (14) mounted within the mud guard and disposed adjacent to the fender, the mud guard mold to include an aperture (figure 3) for accommodating the lamp, and the main body molded to provide a support for attaching the mud guard to the main body (figure 2).

It would have been obvious to one skilled in the art to provide Ebara with a flexible mud guard attached to each of the first side (the left fender) and the second side (the right fender) of the fender with a lamp mounted within the mud guard and adjacent to the fender, as shown by Bahr, for not only accommodating a collision with an object during operation of the vehicle without adversely affecting the lamp to suppress the vibration of the lamp but also for enhancing the visual effects of the vehicle while providing a warning signal to the vehicles approaching from the rear.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebara in view of Bahr, as applied to claim 19 above, and further in view of Drawing figure 9 (prior art cited by applicant's present invention).

Ebara as modified by Bahr discloses the invention substantially as claimed with the exception of having an over fender molded for attaching to the fender main body.

Drawing figure 9 teaches an over fender (114) molded for attaching to the fender main body (112).

It would have been obvious to one skilled in the art provide the fender main body of Ebara with an over fender, as shown by Drawing figure 9, in view of both references are directed to vehicles for uneven ground operation.

10. Claims 3 to 5 and 13 to 15 would be allowable if rewritten to overcome the objection, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

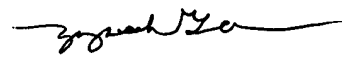
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Wilson is cited to show other pertinent vehicle signal mounted adjacent to the rear fender and the mud guard.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
May 26, 2005



Y Quach Lee
Patent Examiner
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